

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No 70 of 1982

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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NATHALAL @ KANJI RAMJI

Versus

HEIRS OF SATWARA KARSAN RUDA

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Appearance:

MR JD AJMERA for Appellant

MR JR NANAVATI for Respondent No.2 & 5

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CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 21/09/98

ORAL JUDGMENT

The learned counsel for the parties state that the matter has been settled between the parties. A certified copy of the settlement has also been produced on the record of this Appeal. The settlement has been entered into between the parties in the Special Civil Suit No.29 of 1982 in the Court of Civil Judge (S.D.), Jamnagar, on 5.9.98.

2. The learned counsel for the parties state that the dispute which has arisen in this First Appeal was also subject matter of the said compromise. In terms of compromise, the learned counsel for the parties state that this Appeal has to be dismissed as withdrawn. Order accordingly. This Appeal is dismissed as withdrawn. The settlement arrived at between the parties shall form part of this order.

3. The learned counsel for the parties state that this Court in Civil Application No.1269 of 1986 passed an order for deposit of some amount with the District Collector and in pursuance of this compromise this deposited amount has to be permitted to be withdrawn by respondent No.2 - Satwara Odha Karsan. They further stated that this has been incorporated in the compromise but for want of specific order of this Court permitting withdrawal of this amount to the respondent aforesaid, the Collector concerned may not act accordingly. To make it clear, it is hereby ordered that whatever amount lying deposited with the Collector concerned in pursuance of the order of this Court passed in Civil Application No.1269 of 1986 shall be permitted to be withdrawn by respondent No.2 - Satwara Odha Karsan. No order as to costs.

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(sunil)